

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

KENNETH SCOTT MORRISON,

Petitioner,

v.

CIVIL ACTION NO. 2:09-cv-00207

TERESA WAID,

Respondent.

**MEMORANDUM OPINION AND ORDER**

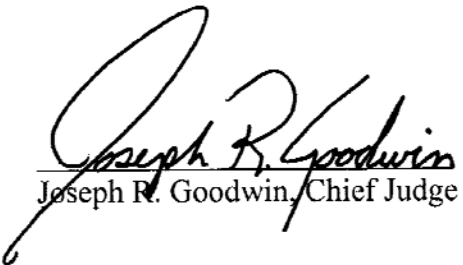
Pending before the court is the petitioner's Petition for Writ of Habeas Corpus [Docket 1]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted proposed findings of fact and recommended that the court grant the respondent's Motion for Summary Judgment [Docket 22].

The petitioner timely filed written objections to the Magistrate Judge's findings of fact and recommendation. Having reviewed the petitioner's objections *de novo*, the court **FINDS** that they are without merit. Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, **DENIES** the Petition [Docket 1], and **GRANTS** the Motion for Summary Judgment [Docket 22].

The court further concludes that the petitioner has not shown a substantial denial of a constitutional right and declines to issue a certificate of appealability, pursuant to 28 U.S.C. § 2253(c)(2).

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: January 28, 2010

  
Joseph R. Goodwin, Chief Judge